

MONTANA LEGISLATIVE HISTORY

Chapter 407 ~~19~~ 2003

Bill H _____ S _____ Original bill & history ✓ c

H. Committee on Transportation

Hearing Date(s) 3-14 _____ c

3-28 _____ c

_____ c

_____ c

Date Out 3-28 _____ c

S. Committee on Highways & Transportation

Hearing Date(s) 1-23 _____ c

2-6 _____ c

_____ c

_____ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

LEGISLATIVE HISTORIES SINCE 1997

The scope and depth of legislative committee minutes varies by year and by committee. If you would like additional information about a hearing, you may want to determine whether the hearing was recorded. In addition, some recent floor debates were also recorded. For information on accessing or purchasing these recordings, contact the Historical Society Archives at 406-444-4774.

If you have concerns regarding the format of the enclosed committee minutes or the recordings of the hearings, it is suggested that you contact your state legislators.

SENATE BILLS AND RESOLUTIONS

97

1/21 FISCAL NOTE PRINTED
 1/24 HEARING
 1/31 INDEFINITELY POSTPONED IN COMMITTEE
 2/28 MISSED DEADLINE FOR GENERAL BILL TRANSMITTAL

SB 215 INTRODUCED BY TOOLE

LC1303 DRAFTER: LEE EVANS

FEES FOR USE OF STATE RIGHT-OF-WAY

12/04	FISCAL NOTE NEEDED		
1/14	INTRODUCED		
1/14	FISCAL NOTE REQUESTED		
1/14	REFERRED TO ENERGY AND TELECOMMUNICATIONS		
1/21	HEARING		
1/21	FISCAL NOTE RECEIVED		
1/22	FISCAL NOTE PRINTED		
1/29	COMMITTEE EXECUTIVE ACTION—BILL NOT PASSED	10	0
1/29	COMMITTEE REPORT—BILL NOT PASSED		
1/31	ADVERSE COMMITTEE REPORT REJECTED	3	47
1/31	REREFERRED TO ENERGY AND TELECOMMUNICATIONS		
2/07	INDEFINITELY POSTPONED IN COMMITTEE		
4/03	MISSED DEADLINE FOR REVENUE BILL TRANSMITTAL		

SB 216 INTRODUCED BY COCCHIARELLA

LC1075 DRAFTER: MCCLURE

CHANGE ASSESSMENT FOR SELF-INSURED EMPLOYERS

1/14	INTRODUCED		
1/14	REFERRED TO BUSINESS AND LABOR		
1/27	HEARING		
1/29	COMMITTEE EXECUTIVE ACTION—BILL PASSED	10	0
1/29	COMMITTEE REPORT—BILL PASSED		
1/31	2ND READING PASSED ON VOICE VOTE	50	0
2/01	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
3/07	REFERRED TO BUSINESS AND LABOR		
3/12	HEARING		
3/12	COMMITTEE EXECUTIVE ACTION—BILL CONCURRED	18	0
3/17	COMMITTEE REPORT—BILL CONCURRED		
3/19	2ND READING CONCURRED	99	0
3/20	3RD READING CONCURRED	98	0
	RETURNED TO SENATE		
3/20	SENT TO ENROLLING		
3/21	RETURNED FROM ENROLLING		
3/26	SIGNED BY PRESIDENT		
3/27	SIGNED BY SPEAKER		
3/28	TRANSMITTED TO GOVERNOR		
4/03	SIGNED BY GOVERNOR		
4/03	CHAPTER NUMBER ASSIGNED		
	CHAPTER NUMBER 226		
	EFFECTIVE DATE: 4/03/2003 - ALL SECTIONS		

SB 217 INTRODUCED BY MAHLUM

LC1308 DRAFTER: PETESCH

REVISE LAW FOR RESTRAINT OF INFANT IN MOTOR VEHICLE

1/15	INTRODUCED		
1/15	REFERRED TO HIGHWAYS AND TRANSPORTATION		
1/23	HEARING		
2/07	COMMITTEE EXECUTIVE ACTION—BILL PASSED AS AMENDED	11	1
2/07	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/10	TAKEN FROM 2ND READING; REREFERRED TO HIGHWAYS AND TRANSPORTATION	48	0
2/14	COMMITTEE EXECUTIVE ACTION—BILL PASSED AS AMENDED	12	0
2/14	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/15	2ND READING PASSED	36	12
2/17	3RD READING PASSED	39	11
	TRANSMITTED TO HOUSE		
3/07	REFERRED TO TRANSPORTATION		
3/14	HEARING		
3/29	COMMITTEE EXECUTIVE ACTION—BILL CONCURRED	8	5
3/31	COMMITTEE REPORT—BILL CONCURRED		
4/03	2ND READING CONCURRED	79	20
4/04	3RD READING CONCURRED	75	25

RETURNED TO SENATE
 4/07 SENT TO ENROLLING
 4/07 RETURNED FROM ENROLLING
 4/08 SIGNED BY PRESIDENT
 4/09 SIGNED BY SPEAKER
 4/11 TRANSMITTED TO GOVERNOR
 4/17 SIGNED BY GOVERNOR
 4/18 CHAPTER NUMBER ASSIGNED
 CHAPTER NUMBER 407
 EFFECTIVE DATE: 10/01/2003 - ALL SECTIONS

SB 218 INTRODUCED BY MCNUTT

LC0496 DRAFTER: LANE

MONTANA PUBLIC DEFENDER SYSTEM

9/13	FISCAL NOTE NEEDED		
1/15	INTRODUCED		
1/15	FISCAL NOTE REQUESTED		
1/15	REFERRED TO JUDICIARY		
1/21	HEARING		
1/27	FISCAL NOTE RECEIVED		
1/28	FISCAL NOTE PRINTED		
2/11	REREFERRED TO FINANCE AND CLAIMS		
3/28	REVISED FISCAL NOTE REQUESTED		
3/28	COMMITTEE EXECUTIVE ACTION—BILL PASSED AS AMENDED	19	0
3/28	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/29	REVISED FISCAL NOTE RECEIVED		
3/29	REVISED FISCAL NOTE SIGNED		
3/31	REVISED FISCAL NOTE PRINTED		
3/31	2ND READING PASSED ON VOICE VOTE	50	0
4/01	3RD READING PASSED	50	0

TRANSMITTED TO HOUSE
 4/02 REFERRED TO FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS
 4/03 REREFERRED TO APPROPRIATIONS
 4/07 HEARING
 4/07 TABLED IN COMMITTEE
 4/12 REVISED FISCAL NOTE REQUESTED
 4/14 REVISED FISCAL NOTE RECEIVED
 4/14 REVISED FISCAL NOTE SIGNED
 4/14 REVISED FISCAL NOTE PRINTED
 4/14 TAKEN FROM TABLE IN COMMITTEE
 4/14 TABLED IN COMMITTEE
 DIED IN STANDING COMMITTEE

SB 219 INTRODUCED BY TOOLE

LC1694 DRAFTER: EVERTS

EXTEND APPLICATION OF NET METERING LAW

1/15 INTRODUCED
 1/15 REFERRED TO ENERGY AND TELECOMMUNICATIONS
 1/23 HEARING
 1/29 INDEFINITELY POSTPONED IN COMMITTEE
 2/28 MISSED DEADLINE FOR GENERAL BILL TRANSMITTAL

SB 220 INTRODUCED BY F. THOMAS

LC0402 DRAFTER: FOX

REVISE PUBLIC SERVICE COMMISSION DISTRICTS

1/15	INTRODUCED		
1/15	REFERRED TO ENERGY AND TELECOMMUNICATIONS		
1/28	HEARING		
2/05	COMMITTEE EXECUTIVE ACTION—BILL PASSED AS AMENDED	8	1
2/05	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/07	2ND READING PASSED ON VOICE VOTE	49	1
2/08	3RD READING PASSED	45	4
TRANSMITTED TO HOUSE			
3/07	REFERRED TO FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS		
3/17	HEARING		
3/17	COMMITTEE EXECUTIVE ACTION—BILL CONCURRED	10	0
3/18	COMMITTEE REPORT—BILL CONCURRED		
4/01	2ND READING CONCURRED	86	14
4/02	3RD READING CONCURRED	79	19
RETURNED TO SENATE			
4/04	SENT TO ENROLLING		

SENATE BILL NO. 217

INTRODUCED BY D. MAHLUM

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE USE OF CHILD SAFETY RESTRAINTS IN MOTOR VEHICLES FOR CHILDREN UNDER 6 YEARS OF AGE WHO WEIGH LESS THAN 40 POUNDS; REQUIRING ALL CHILDREN WHO WEIGH BETWEEN 40 AND 60 POUNDS WHO ARE PASSENGERS IN MOTOR VEHICLES TO BE PROPERLY RESTRAINED IN A BELT-POSITIONING BOOSTER SEAT IF THE MOTOR VEHICLE IS EQUIPPED WITH A COMBINATION LAP AND SHOULDER SAFETY BELT SYSTEM IN THE REAR PASSENGER SEAT; REMOVING THE PROVISION REQUIRING NO MORE THAN THREE CHILD SAFETY RESTRAINT SYSTEMS IN A VEHICLE; AND AMENDING SECTION 61-9-420, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-9-420, MCA, is amended to read:

"61-9-420. Child safety restraint systems -- standards -- exemptions. (1)

If a child under ~~2~~ 6 years of age and weighing less than 40 pounds is a passenger in a motor vehicle, that motor vehicle must be equipped with one child safety restraint for each child in the vehicle and each child must be properly restrained.

(2) A child ~~between 2 and 4 years of age or weighing less than~~ between 40 pounds and 60 pounds who is a passenger in a motor vehicle must be properly restrained ~~or restrained in a safety belt that meets applicable federal motor vehicle safety standards~~ belt-positioning booster seat if the motor vehicle is equipped with a combination lap and shoulder safety belt system in the rear passenger seat.

(3) The department shall by rule establish standards in compliance with 61-9-419 through 61-9-423 and applicable federal standards for approved types of child safety restraint systems ~~purchased after January 1, 1984.~~

~~———— (4) A person is not required to have more than three child safety restraint systems in a vehicle.~~

———~~(5)~~(4) The department may by rule exempt from the requirements of ~~subsection~~ subsections (1) and (2) a child who because of a physical or medical condition or body size cannot be placed in a child safety restraint system or ~~safety belt~~ belt-positioning booster seat."

- END -

MINUTES

MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By **CHAIRMAN EDWARD BUTCHER**, on January 23, 2003
at 3 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Edward Butcher, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. Sherm Anderson (R)
Sen. Vicki Cocchiarella (D)
Sen. Mike Cooney (D)
Sen. Aubyn Curtiss (R)
Sen. Bob DePratu (R)
Sen. Dan Harrington (D)
Sen. Sam Kitzenberg (R)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Glenn Roush (D)

Members Excused: None.

Members Absent: None.

Staff Present: Pat Murdo, Legislative Branch
Roberta Opel, Committee Secretary

Video-Taped Committees: This is the video log of a committee hearing. The log provides a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society.

Committee Business Summary:

Hearing & Date Posted: SB 223, 1/23/2003; SB 217,
1/23/2003

HEARING ON SB 223

Opening Statement by Sponsor: SENATOR WALTER MCNUTT, SD 50, Sidney, presented SB 223; allowing evidence regarding seat belt use to be admissible in a civil action.

Proponents:

3:16pm Spook Stang, MT. Motor Carriers Association
EXHIBIT(his14a01)
3:20 pm John Sullivan, Defense Trial Lawyer's Association
3:26pm Steve Turkiewicz, MT. Auto Dealers Association
3:28pm Susan Good, representing surgical specialists
3:30pm Cary Hegreberg, MT. Contractor's Association

Opponents:

3:31pm Al Smith, MT. Trial Lawyer's Association
3:42pm Roland Ducocher, Great Falls, representing himself
3:52pm Rick Pyfer, Helena, personal injury attorney

Questions from the Committee:

4:03pm Begin
4:22pm End
20 min Time elapsed

Closing by Sponsor:

4:23pm SEN. MCNUTT closed the hearing on SB 223.

HEARING ON SB 217

Opening Statement by Sponsor: SEN. DALE MAHLUM, SD 35, Missoula, opened on SB 217; regarding child safety restraints for children.

Proponents' Testimony:

4:27pm Wade D. Herbert, representing himself
4:29pm Tyler Soderberg, Helena, EXHIBIT(his14a02)
4:31pm Shawn Driscoll, representing the Dept. of Justice
4:32pm Pat Melby, MT. Medical Association, representative
4:33pm Elizabeth Askew, ST. Patrick's Hospital, Missoula
4:34pm Jessica Neumayer, representing herself
4:38pm Vickie Soderberg, Helena,
4:40pm Steve Yeakel, lobbyist, on behalf of the MT. Council on
Maternal and Child Health

Opponents' Testimony: None

Informational Testimony:

4:43pm Patty Carrell, MT Safe Kids Coalition

EXHIBIT(his14a03)EXHIBIT(his14a04)8

EXHIBIT(his14a05)EXHIBIT(his14a06)

4:43pm Stephanie Neumayer EXHIBIT(his14a07)EXHIBIT(his14a08)

Questions from Committee Members and Responses:

4:48pm Begin

5:01pm End

14 min Elapsed time

Closing by Sponsor:

5:03pm SEN. MAHLUM closed on SB 217.

MINUTES

MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By **CHAIRMAN EDWARD BUTCHER**, on February 6, 2003
at 3:22 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Edward Butcher, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. Sherm Anderson (R)
Sen. Vicki Cocchiarella (D)
Sen. Mike Cooney (D)
Sen. Aubyn Curtiss (R)
Sen. Bob DePratu (R)
Sen. Dan Harrington (D)
Sen. Sam Kitzenberg (R)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Glenn Roush (D)

Members Excused: None.

Members Absent: None.

Staff Present: Shirley Herrin, Committee Secretary
Pat Murdo, Legislative Branch

Video-taped Committee: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society.

Committee Business Summary:

Hearing & Date Posted: None
Executive Action: SB 207; SB 286; SB 217; SB 225

would take Executive Action on a later date. **SEN. GRIMES** withdrew his motion.

EXECUTIVE ACTION ON SB 217

3:55 **SEN. MIKE COONEY** moved amendments SB 021702.apm EXHIBIT(his26a03) He then explained the amendments.

Discussion:

3:56 Begin
4:00 Ended
4 min Time elapsed.

4:00 **Vote:** Motion on the amendments **carried unanimously.**

4:01 **Motion:** **SEN. COONEY** moved that **SB 217 DO PASS AS AMENDED.**

Discussion:

4:03 Begin
4:07 Ended
4 min Time elapsed

Vote: Motion **carried 11-1 with O'NEIL voting no.**

EXECUTIVE ACTION ON SB 223

Motion:

4:08 **SEN. GRIMES** moved that **SB 223 DO PASS** and moved conceptual amendments EXHIBIT(his26a04)

Substitute Motion:

4:11 **SEN. O'NEIL** made a substitute motion that SB 223 BE AMENDED SB022302.apm EXHIBIT(his26a05)

Discussion:

4:12 **SEN. GRIMES** asked Mr. Sullivan to address what impact **SEN. O'NEIL's** amendments would have on the bill. Mr. Sullivan addressed the committee.

4:16 **SEN. O'NEIL** withdrew his substitute motion.

Discussion:

4:17 **SEN. GRIMES** stated they would revert back to his original motion and asked Mr. Sullivan to explain the amendments.
4:26 **SEN. GRIMES** said he would revise his motion to include the amendment from Pat Murdo.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN KARL WAITSCHIES**, on March 14, 2003 at 3 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Karl Waitschies, Chairman (R)
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Joe Balyeat (R)
Rep. Bob Bergren (D)
Rep. Ronald Devlin (R)
Rep. George Golie (D)
Rep. Jim Keane (D)
Rep. Bernie Olson (R)
Rep. Allen Rome (R)
Rep. Donald Steinbeisser (R)
Rep. Bill Wilson (D)

Members Excused: Rep. Frank Smith (D)

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 217, SB 34, 3/11/2003
Executive Action: None

HEARING ON SB 217

Sponsor: SENATOR DALE MAHLUM, SD 35

Opening Statement by Sponsor:

SEN. MAHLUM, introduced SB 217 as an act dealing with child automobile restraints. The bill would set the requirements at six years of age and 60 pounds. The current changes in our vehicles and road mandate that we need to update the car seats for our children. Current law says a child three years old can be placed in a seat belt, this is a hazard for the child. The bill we make traveling safer for our children.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 3.3}

Proponents' Testimony:

Sami Butler, Montana Nurses Association. Did not testify verbally but submitted written testimony.

EXHIBIT(trh54a01)

Lonnie Hutchinson, Safe Kids Coalition Coordinator for Missoula
The coalition office is located at the Missoula County Health Department. The agency recognizes the need for change in the child restraint requirements for safety of our children.

EXHIBIT(trh54a02)

EXHIBIT(trh54a03)

EXHIBIT(trh54a04)

EXHIBIT(trh54a05)

EXHIBIT(trh54a06)

EXHIBIT(trh54a07)

{Tape: 1; Side: A; Approx. Time Counter: 4.2 - 11.2}

Monica McClure, Mother of small children from Kalispell. Monica told a story of an auto accident she and her daughter were in and thanks to the new type of child seats, her daughter was saved.

{Tape: 1; Side: A; Approx. Time Counter: 11.2 - 13.9}

Wendy Olsen, Safe Kids Coalition in Kalispell. Safe Kids Coalition coordinate clinics that offer information, education, children car seats and help with installation of the child seats.

{Tape: 1; Side: A; Approx. Time Counter: 13.9 - 17.3}

Sargent M. Tuttle, Montana Highway Patrol. The Department encourages passage of this bill. Most of the children that are killed or seriously injured in auto accidents are not in the proper restraints.

{Tape: 1; Side: A; Approx. Time Counter: 17.3 - 19.5}

Steve Yeakel, Montana Council for Child Health. The Council encourages you to pass this bill.

{Tape: 1; Side: A; Approx. Time Counter: 19.5 - 20.9}

Ron Ashabraner, State Farm Insurance expressed support for this bill.

{Tape: 1; Side: A; Approx. Time Counter: 20.9 - 21.7}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REPS. GALLIK and OLSEN asked **SEN. MAHLUM** if this was a Class 1 or Class 2 violation.

{Tape: 1; Side: A; Approx. Time Counter: 21.7 - 30}

{Tape: 1; Side: B; Approx. Time Counter: 0 - 4.9}

Closing by Sponsor:

SEN. MAHLUM closed with a short summary of the testimony regarding the need for this bill.

{Tape: 1; Side: B; Approx. Time Counter: 4.9 - 7.6}

HEARING ON SB 34

Sponsor: **SENATOR GREGORY BARKUS, SD 39**

Opening Statement by Sponsor:

SEN. BARKUS introduced SB 34 as a bill dealing with Eminent Domain. The Department of Transportation has requested this bill as a cost saving issue. The bill says if a property owner will

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN KARL WAITSCHIES**, on March 28, 2003 at 3 P.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Karl Waitschies, Chairman (R)
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Joe Balyeat (R)
Rep. Ronald Devlin (R)
Rep. George Golie (D)
Rep. Jim Keane (D)
Rep. Bernie Olson (R)
Rep. Allen Rome (R)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)
Rep. Bill Wilson (D)

Members Excused: Rep. Bob Bergren (D)

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted:

Executive Action: SB 217, SB 295, SB 414

EXECUTIVE ACTION ON SB 414

Motion/Vote:

REP. GOLIE moved that SB 414 BE CONCURRED IN. Motion carried 10-3 with BALYEAT, DEVLIN, and OLSON voting no. REP. GOLIE to carry on house floor.

EXHIBIT(trh66a01)

EXHIBIT(trh66a02)

{Tape: 1; Side: A; Approx. Time Counter: 0 - 14.7}

EXECUTIVE ACTION ON SB 217

Motion/Vote:

REP. GOLIE moved that SB 217 BE CONCURRED IN. Motion carried 8-5 with REPS. BALYEAT, DEVLIN, ROME, STEINBEISSER, and WAITSCHIES voting no by roll call vote.

EXHIBIT(trh66a03)

{Tape: 1; Side: A; Approx. Time Counter: 14.7 - 23.7}

EXECUTIVE ACTION ON SB 295

Motion: REP. BALYEAT moved that SB 295 BE CONCURRED IN.

Motion: REP. BALYEAT moved that SB 295 BE AMENDED.

Substitute Motion/Vote: REP. BALYEAT made a substitute motion SB 295 AMENDMENTS BE SEGREGATED VOTING 1 AND 2 TOGETHER AND VOTING AMENDMENT 3 ALONE. Motion on Amendments 1 and 2 failed 3-10 with REPS. BALYEAT, BOOKOUT-REINICKE, and STEINBEISSER voting aye by voice vote.

Motion/Vote: REP. BALYEAT moved that SB 295 BE AMENDED WITH SEGREGATED AMENDMENT 3. Motion failed 5-8 with REPS. BALYEAT, BOOKOUT-REINICKE, DEVLIN, STEINBEISSER, and WAITSCHIES voting aye by voice vote.

Motion/Vote: REP. SMITH moved that HB 295 BE AMENDED with conceptual amendment regarding sunset date (June 30, 2007). Motion carried 9-4 with REPS. BERGREN, GALLIK, GOLIE, and KEANE voting no. by roll call vote